

Senate Engrossed

State of Arizona  
Senate  
Forty-sixth Legislature  
Second Regular Session  
2004

CHAPTER 78

# SENATE BILL 1036

AN ACT

AMENDING SECTION 31-121, ARIZONA REVISED STATUTES; RELATING TO JAILS.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:

2 Section 1. Section 31-121, Arizona Revised Statutes, is amended to  
3 read:

4 31-121. Duty of sheriff to receive and provide for prisoners;  
5 contracts for furnishing food; city or town  
6 prisoners; employment; canteens; special services  
7 fund; insurance; education programs

8 A. The sheriff shall receive all persons WHO ARE committed to jail by  
9 competent authority and provide them with necessary food, clothing and  
10 bedding, the cost of which shall be a county charge or, if a county jail  
11 district has been established, a charge of the district, except as otherwise  
12 provided by law.

13 B. Notwithstanding subsection A of this section, the sheriff may  
14 establish procedures to recover from the inmate the cost of providing the  
15 inmate with necessary food. The cost to the inmate shall not exceed one  
16 dollar TWO DOLLARS per day. All meal costs recovered from the inmate shall  
17 be used for meal preparation or to improve meal quality.

18 C. The county board of supervisors or board of directors of a county  
19 jail district may enter into contracts for furnishing food for persons WHO  
20 ARE confined in the county jail, but such A contract shall not be made for  
21 a period longer than one year.

22 D. A person who is arrested by a peace officer employed by a city or  
23 town and thereafter WHO IS charged in a municipal court as defined in section  
24 22-401 may be housed in a county jail. The costs of this incarceration shall  
25 be paid by the city or town which THAT established the municipal court in  
26 which the charges are to be filed. A person who is convicted in a municipal  
27 court may be sentenced to a county jail. The costs of this incarceration  
28 shall be paid by the city or town which THAT established the municipal court  
29 in which the sentence was rendered. A person WHO IS arrested by a peace  
30 officer employed by a city or town and thereafter WHO IS charged in the  
31 superior court or a justice court may be housed in a county jail. The costs  
32 of this incarceration are a county expense. Two or more cities, towns or  
33 counties may enter into agreements with one another for joint or cooperative  
34 action pursuant to section 11-952.

35 E. Notwithstanding subsection D of this section, the cost for  
36 providing for prisoners committed to the county jail by competent authority  
37 of the county or any political subdivision in the county shall be borne by  
38 the county jail district in any county in which such district, pursuant to  
39 title 48, chapter 25, is established and operating.

40 F. Any prisoner WHO IS accepted by the county jail may be employed as  
41 provided by section 31-141.

42 G. At the discretion of the board of supervisors or board of directors  
43 of a county jail district, the sheriff may maintain a canteen pursuant to  
44 this subsection at any jail facility under the sheriff's jurisdiction to sell  
45 to confined persons toilet articles, candy, tobacco products, notions and

1 other sundries and may provide the necessary facilities, equipment, personnel  
2 and merchandise. The sheriff shall specify the commodities to be sold in the  
3 canteen. The sheriff shall fix the prices of the commodities at such amounts  
4 as will, as far as possible, render each canteen self-supporting.

5 H. A special services fund is established in the office of the county  
6 treasurer. The sheriff shall deposit any canteen and charge-a-call telephone  
7 profits, if such become available, in the special services fund. All profits  
8 resulting from inmate services shall also be deposited in the special  
9 services fund. The board of supervisors may insure against the damage or  
10 loss of canteen materials, supplies and equipment THAT ARE owned by the  
11 county jail facility.

12 I. The sheriff shall hold in trust all special services fund monies  
13 for the benefit and welfare of inmates. These monies may be used for the  
14 education and welfare of inmates, including the establishment, maintenance  
15 and purchase of items for resale and other necessary expenses incurred in  
16 operating the canteens.

17 J. The county board of supervisors or board of directors of a county  
18 jail district may authorize a biennial audit of the canteen operations at any  
19 jail facility referred to in this section. At the end of each intervening  
20 fiscal year, the jail administration shall prepare a statement of  
21 operations. At least one copy of any audit report or statement of operations  
22 shall be posted both at the canteen and for inmates at designated areas.

23 K. Each county that operates a county jail shall offer an education  
24 program to serve all prisoners who are under eighteen years of age and  
25 prisoners who are pupils with disabilities, who are twenty-one years of age  
26 or younger and who are confined in the county jail. The county sheriff and  
27 the county school superintendent shall agree on the method of delivery of the  
28 education program.

29 L. This section does not prohibit a city or town from recovering  
30 incarceration costs pursuant to section 13-804.01.

APPROVED BY THE GOVERNOR APRIL 13, 2004.

FILED IN THE OFFICE OF THE SECRETARY OF STATE APRIL 13, 2004.

Passed the House April 6, 2004,

by the following vote: 55 Ayes,

2 Nays, 3 Not Voting

Jake Flake  
Speaker of the House  
Norman L. Fyone  
Chief Clerk of the House

Passed the Senate February 19, 2004,

by the following vote: 19 Ayes,

10 Nays, 1 Not Voting

Ken Bennett  
President of the Senate  
Charmian Billington  
Secretary of the Senate

EXECUTIVE DEPARTMENT OF ARIZONA  
OFFICE OF GOVERNOR

This Bill was received by the Governor this

14th day of April, 2004

at 2:10 o'clock P. M.

Vennidey Iybarra  
Secretary to the Governor

Approved this 13 day of

April, 2004,

at 1:45 o'clock P. M.

Jan Napolitano  
Governor of Arizona

S.B. 1036

EXECUTIVE DEPARTMENT OF ARIZONA  
OFFICE OF SECRETARY OF STATE

This Bill was received by the Secretary of State

this 13 day of April, 2004,

at 3:02 o'clock P. M.

Janice K. Brewer  
Secretary of State